

Below is the Order of the Court.




Christopher M. Alston
U.S. Bankruptcy Judge

(Dated as of Entered on Docket date above)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re:

**NORTHWEST TERRITORIAL MINT,
LLC,**

Debtor.

Case No. 16-11767-CMA

**ORDER RESOLVING OWNERSHIP
OF CERTAIN CUSTOM COINING
DIES CLAIMED BY UNITED STATES
GOLF ASSOCIATION, AND
ALLOWING ADMINISTRATIVE
EXPENSE OF THE UNITED STATES
GOLF ASSOCIATION**

THIS MATTER comes before the Court in connection with its prior Order Granting Trustee's Motion for Authority to Return Stored Inventory, Other Customer Owned Inventory and Coining Dies, entered on September 21, 2016 [ECF No. 728] ("Die Return Order"). Among other things, the Die Return Order authorized Mark Calvert, Chapter 11 Trustee ("Trustee") of the above-named debtor ("NWTM"), to return coining dies in his possession to parties claiming ownership in them, as provided by the Die Return Order. United States Golf Association ("USGA") has asserted rights of ownership to eighteen custom coining dies (the "USGA Dies") held by the Trustee, and to the intellectual property embodied in and reflected on those dies. The Trustee and USGA have discussed their positions concerning the USGA Dies and USGA's related refund claim for \$22,815 arising from NWTM's non-fulfillment of an order for medals required in

ORDER RESOLVING OWNERSHIP OF CERTAIN
CUSTOM COINING DIES CLAIMED BY UNITED
STATES GOLF ASSOCIATION - 1

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3000
SEATTLE, WASHINGTON 98101
PHONE (206) 447-4400 FAX (206) 447-9700

Below is the Order of the Court.

1 2018 that would have been struck using the USGA Dies (“Settlement”). At a hearing held in open
2 court on April 20, 2018 on related matters (“Hearing”), USGA’s attorney announced and the
3 Trustee’s attorney acknowledged on the record the terms of an agreement between USGA and the
4 Trustee with respect to USGA’s ownership of the USGA Dies, the Trustee’s confirmation that the
5 USGA Dies have been located and will be made available to USGA for retrieval, and USGA’s
6 agreement to compromise its administrative expense claim.

7 The Court finds that the proposed Settlement between the Trustee and USGA falls within
8 the scope of the Dies Return Order, is in the best interest of the bankruptcy estate of NWTM,
9 reflects the reasonable business judgment of the Trustee, and is reasonable, fair and equitable.

10 NOW, THEREFORE, it is ORDERED as follows:

11 1. The Settlement is approved. The Trustee and USGA are authorized and directed
12 to perform their obligations and duties as provided by this Order.

13 2. USGA is allowed a Chapter 11 administrative expense in the amount of \$11,407.50
14 (the “USGA Allowed Administrative Expense Claim”). The USGA Allowed Administrative
15 Expense Claim shall be subject to payment at the same time and in the same manner as other
16 allowed Chapter 11 administrative claims. USGA waives, surrenders and releases any and all
17 claims against the NWTM bankruptcy estate other than the USGA Allowed Administrative Expense
18 Claim.

19 3. The Trustee, for himself and the NWTM bankruptcy estate, quitclaims, waives,
20 surrenders and releases any and all right, title and interest of whatever kind or nature, if any, that he
21 or NWTM has or may have in the USGA Dies, in any galvanos, molds or equivalents relating to
22 the USGA Dies, and in any and all USGA intellectual property of any nature embodied in or
23 reflected on the USGA Dies.

24 4. Within ten (10) business days after the date of entry of this order, or such later date
25 as the parties may agree: (a) the Trustee, at his expense and in the exercise of due care, shall
26 collect, package and make all of the USGA Dies available to USGA at NWTM’s facility in

ORDER RESOLVING OWNERSHIP OF CERTAIN
CUSTOM COINING DIES CLAIMED BY UNITED
STATES GOLF ASSOCIATION - 2

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3000
SEATTLE, WASHINGTON 98101
PHONE (206) 447-4400 FAX (206) 447-9700

Below is the Order of the Court.

1 Dayton, Nevada, *provided that* prior to completing the acts required by the preceding clause, the
2 Trustee shall provide photographs to USGA of the striking faces of the USGA Dies so that USGA
3 may confirm that they are the proper dies to be retrieved; and (b) after confirming that the dies are
4 the USGA Dies, USGA, at its own expense, shall retrieve the packaged USGA Dies from
5 NWTM's Dayton facility, and shall satisfy the costs of shipment of the USGA Dies to USGA.

6 5. If the Trustee determines at any time that he possesses or controls any other coining
7 dies that belong to USGA, or any galvanos, molds, or the equivalent relating to any USGA's dies,
8 he shall be deemed to hold such materials in trust for USGA and shall promptly inform USGA of
9 the existence and possession of such materials. At USGA's sole option, it may either (1) retrieve
10 such materials at its own expense, in which event the Trustee shall package and make all of the
11 such items available to USGA at a mutually agreed location on a mutually agreeable date; or (2)
12 direct and authorize the Trustee to discard or destroy such items, in which event the Trustee shall
13 do so and certify in writing that such discarding or destruction has been completed.

14 //END OF ORDER//

15 ***Presented by:***

16 PRYOR CASHMAN LLP
Richard Levy, Jr., NYS Atty. #1696756 (adm. *pro hac vice*)
17 and

18 FOSTER PEPPER PLLC
By: /s/ Jack Cullen
19 Jack J. Cullen, WSBA #7330
Attorneys for United States Golf Association

20 **NO OBJECTION TO ENTRY OF THIS ORDER:**

21 PERKINS COIE LLP
By: /s/ Alan D. Smith
22 Alan D. Smith, WSBA No. 24964
23 Attorneys for Creditors Robert and Connie Hoff

24 K&L GATES LLP
By: /s/ David C. Neu
25 Michael J. Gearin, WSBA #20982
David C. Neu, WSBA #33143
26 Brian T. Peterson, WSBA #42088
Attorneys for Mark Calvert, Chapter 11 Trustee

ORDER RESOLVING OWNERSHIP OF CERTAIN
CUSTOM COINING DIES CLAIMED BY UNITED
STATES GOLF ASSOCIATION - 3

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3000
SEATTLE, WASHINGTON 98101
PHONE (206) 447-4400 FAX (206) 447-9700